

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:08-CV-00051 (LHT)

**WATCHIT TECHNOLOGIES,
INC.; and GARY MUSSELMAN**

Plaintiffs,

v.

**BIG APPLE CONSULTING USA,
INC., MJMM INVESTMENTS,
LLC, DONALD WOOD, DENNIS
STEINMETZ, BRANDON WOOD,
MARC JABLON; MARK C.
KALEY, ESQ. and CHILD
WATCH OF NORTH AMERICA,**

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*, in response to a reply brief filed by the BAC Defendants.

The BAC Defendants' reply brief responds to Plaintiffs' memorandum in opposition to Defendants' motion to dismiss Plaintiffs' amended complaint. Two days before the reply brief was due, Defendants requested permission to exceed the ordinary 25 page limit in their reply brief.

Motion for Leave to File a Reply Brief in Excess of 25 Pages, filed July

22, 2008; *cf.* LcvR 7.1(D) (providing that “the page limit for any brief is 25 pages”). In an order signed on the following day, the Court denied this request. **Order, filed July 24, 2008.**

Nevertheless, the BAC Defendants filed a 32 page reply brief. As this document appears to have been filed in blatant disregard of the Local Rules and this Court’s unambiguous order, the reply brief will be stricken. *See Superguide Corp. v. DirecTV Enters., Inc.*, No. 1:00cv144 (W.D.N.C. April 30, 2008) (striking excessively long pleadings and noting that “[i]nundating the Court with sheer volume of argument . . . is not helpful to the Court and is not of benefit to the parties making such filings. It also deprives the Court and the parties of the benefit of forcing the movants to separate the wheat from the chaff, by presenting their strongest arguments rather than presenting all of their arguments.”).

IT IS, THEREFORE, ORDERED that the BAC Defendants’ reply brief is hereby **STRICKEN** from the record, except to the extent that the same is necessary to serve as a placeholder for a proper filing.

IT IS FURTHER ORDERED that the BAC Defendants shall have 10 days from the issuance of this Order in which to file, if they choose, a reply brief that complies with the Court's requirements.

Signed: July 25, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

